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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,741	07/08/2003	David C. Block	VISTACO.010C1	1832
20995	7590	12/23/2003		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER PEDDER, DENNIS H				
ART UNIT		PAPER NUMBER		
3612				

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/615,741	BLOCK, DAVID C.	
	Examiner	Art Unit	
	Dennis H. Pedder	3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7/8/2003</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims are incorrect in "hinged above...side surface" as the hinge 208 is located on the side surface and faces laterally. Perhaps applicant intended --hinged at an upper end--. Nor is the hinge inboard of the side surface, but located thereon.

Claims 2 and 15 define the combination of the shell and chassis and as such do not limit the shell structure of independent claims as required by 35 USC 112, fourth paragraph and are rejected under the above first listed statute for confusion of scope and under the latter for not limiting the preceding claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 9-10, 26-30, 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bateman.

See outside wall 58.

As to claim 4, see latch 86/42/76.

As to claim 5, rotation of member 48 from inside would open the latch.

As to claim 9, see figure 9.

As to claim 10, see door 18.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8, 14-22, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman in view of either Mikami et al. or Tomioka et al..

It would have been obvious to one of ordinary skill to provide in Bateman a moisture flange 5 or 8/18, as taught by either Mikami et al. or Tomioka et al., respectively, that extends outwardly from the periphery of the opening for the window in order to seal and to block moisture from passing into the opening.

As to claim 19, see seals 8, 9/19, respectively.

As to claim 20, Tomioka et al. shows the side portion with moisture flange. Disposition along upper portion is an obvious expedient to one of ordinary skill in the art for the reasons advanced.

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7. Claims 5, 18, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman or Bateman in view of either Mikami et al. or Tomioka et al. as applied to claims 4, 17 and 29 above and further in view of Tonks.

It would have been obvious to one of ordinary skill to provide an inside handle specifically adapted for opening the latch as taught by Tonks in order to ease such opening.

8. Claims 8, 20, 33 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman in view of either Mikami et al. or Tomioka et al. or Bateman in view of either Mikami et al. or Tomioka et al. and Tonks as applied to claims 6, 14 and 31 above and further in view of Holka et al..

It would have been obvious to one of ordinary skill to provide in either set of references above a protruding flange and seal at top of the opening as taught by Holka et al. at figure 3 to prevent water running into the vehicle.

9. Claims 13, 25, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman or Bateman in view of either Mikami et al. or Tomioka et al. as applied to claims 1, 14 or 26 above and further in view of Styron.

It would have been obvious to one of ordinary skill to provide in either set of references above inwardly extending flanges to a window frame as taught by Styron in figure 2 in order to strengthen the frame.

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*Allowable Subject Matter*

10. Claims 11-12, 23-24, and 36-37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

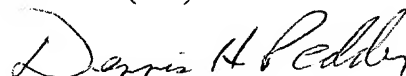
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bump is cited to show another shell with pivoting side wall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178.

The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

12/18/03

DHP